

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HANNAH M LEONARD,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION,

Defendant.

CASE NO. C19-6099 BHS

ORDER

THIS MATTER is before the Court on Plaintiff Hannah Leonard's Motion to determine a reasonable attorneys' fee, Dkt. 49, and on Leonard's Motion to Seal the motion and the documents upon which it is based, Dkt. 48.

The Motion to Seal, Dkt. 48, is GRANTED and the documents filed in connection with this motion shall be filed under seal.

The larger motion arises from the fact that, prior to trial in this matter, Leonard terminated her prior counsel, the Davis Law Group (DLG), and instead retained her current counsel, Rossi Vucinovich. DLG asserted an attorneys' lien under RCW 60.40.010. Some four months later, Leonard settled her claims against Amtrak arising out

1 of the derailment of Amtrak 501 near DuPont, Washington. Leonard now asks the Court  
2 to determine a reasonable fee for the services DLG performed while the Firm was  
3 engaged as Leonard's counsel. Dkt. 52. She argues that DLG did not properly "work up"  
4 the case, and that a reasonable fee for the work performed is at most \$50,000. *Id.* at 15.  
5 She argues that the best offer she received from Amtrak was \$200,000 at mediation, and  
6 that even under DLG's contingent fee agreement, the most it could recover based on that  
7 offer is \$67,000.

8       Among other arguments, DLG contends that while DLG and Leonard declined the  
9 "mediator's proposal" of a \$1.5 million settlement at mediation, Amtrak would have  
10 accepted that proposal, and DLG asks the Court for the right to subpoena the mediator to  
11 confirm that fact. Dkt. 63 at 12.

12       Any reluctance the Court might have to issuing such a subpoena is tempered by  
13 the fact that the filings will be under seal, and by the fact Leonard contends that Amtrak  
14 told her at the second, successful mediation that it rejected the mediator's proposal while  
15 DLG was her counsel. Dkt. 69 at 7, n.10.

16       DLG's request for the Court's leave to issue such a subpoena to mediator Thomas  
17 V. Harris is therefore GRANTED. DLG shall file a short (not more than 5 pages)  
18 supplemental brief when it has obtained the information it seeks, and Leonard may file an  
19 equally short supplemental reply within a week of that filing. Leonard's underlying  
20 Motion for the Court to determine a reasonable attorneys' fee, Dkts. 49 and 52, is RE-  
21 NOTED for September 16, 2022.  
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1 IT IS SO ORDERED.

2 Dated this 18th day of August, 2022.

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5 BENJAMIN H. SETTLE  
6 United States District Judge  
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